

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ULYSSES RODRIGUEZ CHARLES,

Plaintiff

v.

CITY OF BOSTON; JOHN MULLIGAN, in his
individual capacity; WILLIAM KEOUGH, in his
individual capacity; PAUL RUFO, in his individual
capacity; KATHLEEN HANLEY JOHNSON, in her
individual capacity; STANLEY BOGDAN, in his
individual capacity; JOHN DOE and JANE DOE,
supervisors in the Boston Police Department, in their
individual capacity; CHARLES CAMPO, in his
individual capacity; JOHN ZANINI, in his individual
capacity; SUFFOLK COUNTY; and Suffolk county
district attorney's office,

Defendants.

CA No. 04-10986 NG

**ASSENTED-TO AND/OR UNOPPOSED MOTION¹
TO RESCHEDULE DECEMBER 16, 2004 MOTION
TO DISMISS HEARING AND FOR LEAVE FILE OPPOSITION
TO MOTIONS TO DISMISS ON OR BEFORE DECEMBER 20, 2004**

Plaintiff Ulysses Rodriguez Charles hereby respectfully moves the Court to reschedule the motion to dismiss hearing in the above-captioned action, now set for December 16, 2004, to the week of January 17, 2005 (or any time thereafter convenient to the Court) and for leave to file his opposition to Defendants' motions to dismiss on or before December 20, 2004. As grounds for this motion, Mr. Charles states as follows:

¹ Mr. Smulow, counsel for the Suffolk County District Attorney's Office and John Zanini, takes no position on this motion as to Mr. Zanini.

1. Attorney Richard M. Egbert, counsel for Defendant Charles Campo, and Daniel I. Smulow, counsel for Defendant Suffolk County District Attorney's Office, assent to the request sought herein.

2. Attorney Amy E. Ambraik, counsel for Stanley Bogdan and the City of Boston, does not oppose the request sought herein, and Mr. Smulow, counsel for John Zanini, does not take a position on this motion as to Mr. Zanini.

3. Counsel for Mr. Charles request the relief sought herein due to their heavy litigation calendar, including an upcoming expedited arbitration and depositions throughout the months of November and December.

4. The grant of the relief requested herein is in the interests of justice and would not prejudice any party. As the Court is aware, after spending approximately 20 years in prison, Mr. Charles's conviction was vacated upon his discovery of exculpatory DNA evidence. Mr. Charles filed the instant action *pro se*, thereafter retaining counsel. In light of what is at stake here -- Mr. Charles's ability to obtain redress for the harm caused him by, *inter alia*, spending two decades in prison for a crime he did not commit -- Mr. Charles respectfully requests that his counsel be granted additional time in order to provide him the best representation possible.

WHEREFORE, Mr. Charles respectfully requests that the Court grant the relief sought herein.

Dated: December 3, 2004
Boston, MA

Respectfully Submitted,

/s/ Mayeti Gametchu

Kevin J. O'Connor (BBO# 555250)

Mayeti Gametchu (BBO# 647787)

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Attorneys for Plaintiff

ULYSSES RODRIGUEZ CHARLES

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to L.R. D.Mass. 7.1(A)(2), I, Mayeti Gametchu, hereby certify that I conferred with counsel for Defendants Charles Campo, Stanley Bogdan, John Zanini and the Office of the District Attorney for Suffolk County. Counsel for Messrs. Campo and the Office of the District Attorney assent to the relief sought in the instant motion. Counsel for Mr. Bodgan does not oppose it, and counsel for Mr. Zanini takes no position on the motion.

/s/ Mayeti Gametchu

CERTIFICATE OF SERVICE

I, Mayeti Gametchu, hereby certify that, on December 3, 2004, I caused a true and correct copy of the foregoing document to be served by first class mail upon the persons listed below.

/s/ Mayeti Gametchu

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CHARLES CAMPO

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Attorney for Defendants
JOHN ZANINI and the
OFFICE OF THE DISTRICT ATTORNEY
FOR THE SUFFOLK DISTRICT